

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CLARENCE WASHINGTON,

Plaintiff,

CIVIL ACTION NO. 05-CV-72433-DT

VS.

DISTRICT JUDGE PAUL D. BORMAN

**DETROIT, CITY OF,
et al.,**

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

**OPINION AND ORDER GRANTING DEFENDANTS' MOTION FOR
RECONSIDERATION AND
DENYING PLAINTIFF'S MOTION TO SHOW CAUSE**

This is a civil rights action filed by Plaintiff Washington who is a Michigan inmate alleging that the Detroit police opened a safe by detonating explosive charges which sent shrapnel into the prison yard area injuring him. The matter comes before the Court on Defendants' Motion for Reconsideration of the Final Judgment entered in this action (docket no. 189) and Plaintiff's Motion to Show Cause regarding the delay in Defendants providing the agreed upon settlement funds in this action (docket no. 192). These motions have been fully briefed and referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 193). These motions are now ready for ruling.

Plaintiff's Motion to Show Cause will be denied. Plaintiff's latest filing reveals that the settlement proceeds have been received by him. (Docket no. 194). Plaintiff is not entitled to a penalty for the Defendants' delay in providing the settlement funds.

Defendants' Motion for Reconsideration is based upon alleged clerical mistakes in the Final Judgment entered on November 26, 2007 (docket no. 188), and upon the timing of the payment of

the settlement funds—an issue which is now moot. Plaintiff does not oppose the entry of an amended judgment stating that Defendant Pauch and all other Defendants are dismissed with prejudice. (Docket no. 194). This Court will grant Defendants’ Motion for Reconsideration and recommend to the district judge that an amended judgment be entered dismissing with prejudice all remaining Defendants in this action.

IT IS THEREFORE ORDERED that Plaintiff’s Motion to Show Cause (docket no. 192) is **DENIED**.

IT IS FURTHER ORDERED that Defendants’ Motion for Reconsideration (docket no. 189) is **GRANTED**, and it is recommended that the court enter an Amended Final Judgment dismissing all remaining Defendants with prejudice.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 04, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: August 04, 2008

s/ Lisa C. Bartlett
Courtroom Deputy